IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 8098 of 2005

Between:

Smt. Anasuyamma, W/o. Late Chandrasekhar,
Resident of Rapthadu Village and Mandal, Anantapur District.

..... PETITIONER

AND

1 The Joint Collector, Anantapur.
2 The Revenue Divisional Officer, Anantapur.
3 The Mandal Revenue Officer, Rapthadu Mandal, Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ or direction declaring the action of the 1st respondent in refusing to grant stay pending disposal of the appeal against the order of the 2nd respondent passed in Rc.No. D1/CS/385/2005 dated 18-3-2005 as illegal arbitrary and consequently stay the order of the 2nd respondent passed in Rc.No. D1/CS/385/2005 dated 18-3-2005 pending disposal of the appeal before the 1st respondent and pass such other or further orders as the Hon'ble Court feels deem fit and proper in the facts and circumstances of the case

Counsel for the Petitioner: MR.O.MANOHER REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following :

ORAL ORDER:

Heard both sides. Perused the material placed before me.

The grievance of the petitioner is that on the application, filed by him, seeking interim stay of the order of the appointing authority, the appellate authority did not pass any orders.

The learned counsel for the petitioner submits that the second respondent did not detail the irregularities except stating that there were certain irregularities committed by the petitioner and kept the authorization of the petitioner, as fair price shop dealer, under suspension, pending enquiry. That order had been challenged before the first respondent-appellate authority and along with the appeal, the petitioner filed an application seeking interim stay of the operation of the order of the second respondent, but the same was rejected.

In normal course, the order of suspension shall not be suspended unless and until a prima facie and valid reason is found either by this Court or by the appellate authority.

For the fore going, I find no illegality in the order passed by the first respondent.

Therefore, the writ petition is dismissed. However, the first respondent is directed to dispose of the appeal preferred by the petitioner, with utmost expedition, preferably within four weeks from the date of receipt of a copy of this order. No costs.

12/04/2005

Note:

Issue CC in one day

B/0 kvsn

To

1 The Joint Collector, Anantapur.

2 The Revenue Divisional Officer, Anantapur.

3 The Mandal Revenue Officer, Rapthadu Mandal, Anantapur District.

4 Two CCs to GP for Civil Supplies, High Court buildings, Hyderabad.

5 Two CD copies.